

REMARKS

Applicant thanks the Examiner for a thorough consideration of the pending claims. In this paper, Applicant has amended Claims 33, 41 and 42, added new Claims 47-49, and cancelled Claim 34.

Applicant has reviewed the Examiner's rejection of Claims 33, 41, 43-46, 17, 19, 20 and 22 under 35 U.S.C. § 103(a) and traverses the rejection.

Applicant has amended Claims 33 and 41 to recite ratcheting engagement of the locking portion and engaging portion. The prior art fails to disclose a latch apparatus wherein the locking portion is in ratcheting engagement with the engaging portion.

Applicant disagrees with the Examiner's interpretation of Takamura and positions on what features of Applicant's claimed invention are common in the art.

Applicant thanks the Examiner for the notice of allowable subject matter, but disagrees with the Examiner's statement of reasons for the indication of allowable subject matter. Reasons for allowance are only warranted in instances in which, "the record of a prosecution as a whole does not make clear reasons for allowing a claim or claims." 37 CFR 1.104(e). In the present case, Applicant believes the record as a whole makes clear the reasons for allowance and, therefore, no statement by the Examiner is necessary or warranted, especially if the statement may unfairly focus on certain reasons for allowance that are not reflected by the prosecution history. Therefore, the record should reflect that Applicant does not agree with the reasons for allowance and specifically disagrees with the narrow characterization of Applicant's claimed invention.

While Applicant believes that each of the claims are patentably distinct over the prior art, Applicant submits that patentability does not reside solely in the combination of features identified in the Examiner's reasons, or that each feature or combination of features identified therein is required for patentability, or that equivalents of any of the recited features are outside the scope of the claims. Each and every allowed claim is novel and not obvious due to the combination of elements contained therein and not due to any single element. Thus, every element should be interpreted as broadly as claimed with all equivalents. Moreover, to the extent that the reasons for allowance do not separately address the subject matter of each claim, Applicant submits that the failure to address each claim does not infer that the subject matter thereof fails to present other reasons for allowance apart from those specifically stated by the Examiner.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the

Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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